



**WALSH COLUCCI  
LUBELEY & WALSH PC**

Martin D. Walsh  
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May 11, 2015

Mr. Robert J. Duffy  
Arlington County  
2100 Clarendon Blvd., Suite 700  
Arlington, VA 22201

Dear Bob,

Our firm represents Vornado/Charles E. Smith and Gould Property Company, the applicants for the pending Rosslyn Plaza Phased Development Site plan (PDSP) application, which was accepted by the County Manager for processing in **February 2012**.

I am writing to express our serious concerns regarding the initial draft of the Rosslyn Sector Plan that was released on May 7, 2015. This draft continues to advance the notion that the central park space at Rosslyn Plaza should be located on Arlington Ridge Road, a location which we have frequently and consistently communicated to County Leaders and Staff that is neither appropriate nor feasible for the site.

Over the past several months, we feel we have made great progress with County Staff on the Rosslyn Plaza plan. Despite our application not being subject to the current Sector Plan discussions, we have agreed to the following major changes at Staff's insistence:

1. Agreed to replace the enlarged pedestrian esplanade with a street grid plan connecting Arlington Ridge Road with 17<sup>th</sup> and 18<sup>th</sup> Streets.
2. Modified all building heights to match the County's desire for Peaks and Valleys. [Note the height of Phase 3 remains under discussion.]
3. Enlarged the central open space to approximately **0.90 acres**. [Note Staff's plan for our site only provides **0.72 acres** of central open space.]

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4. Agreed to completely re-design Phase 1 in order to provide views from Freedom Park to the monument core. [Staff first raised this issue in February 2015 at a Process Panel Meeting, three full years into our application for Rosslyn Plaza.]

These changes were made to accommodate County requests even though they negatively impact the aesthetics and economics of the project. Despite this and all of the progress that has been made to-date, this latest Sector Plan draft puts that collective progress and the project at risk. The approach demonstrated in this draft makes it clear that the County and its consultant Goody Clancy continue to emphasize the Arlington Ridge Road location, despite our ongoing concerns and objections.

The Sector Plan draft begins with the description "Rosslyn Plaza Park: Rosslyn's Terrace on the Potomac" (p. 140), despite no Potomac River views from street level at this location; incorporates a new high-quality image of Rosslyn Plaza park on Arlington Ridge Road (p. 142, also p. 59 and 132) that was not previously shared with our team, and is taken from a vantage point that is not possible for residents to enjoy; compares that with a new low-quality image for the Kent street location (p.143); and finally incorporates various related text references suggestive of the Arlington Ridge location. Below is a more complete listing of specific references:

- **Page 140:** "Rosslyn Plaza Park: Rosslyn's Terrace on the Potomac"
- **Page 140:** "[Rosslyn Plaza Park] should emphasize open views to the sky..."
- **Page 141:** "SIZE (APPROXIMATE): 1.0 to 1.6 acres"
- **Page 141:** "VIEWS: Esplanade, Potomac River Landscape"
- **Page 141:** "PROGRAM CRITERIA: Rosslyn Plaza Park will be a destination at the terminus of the 18<sup>th</sup> Street Corridor and along the Esplanade..."
- **Page 142, repeated on Pages 59 and 132):** High-quality image of Rosslyn Plaza Park on Arlington Ridge Road
- **Page 143:** Low-quality image of Rosslyn Plaza Park on Kent Street

Included with this letter is previous correspondence dating back to March 2014 with concerns we have provided regarding the park location. In addition, we met with Arlington Economic Development in April 2015 to review the economic burden of such a park location and loss of a potential trophy building site in Arlington. We also met with Staff and County leaders throughout February, March and April 2015 to emphasize the many reasons (both place-making and economic) why locating the park on Arlington Ridge Road simply does not work for the site and is something we are not able to pursue.

We would like to continue working with County Staff and the Process Panel in good faith to make Rosslyn Plaza a crown jewel for all of Arlington. However if the Arlington Ridge Road park location continues to be advanced as is demonstrated in the draft, we are concerned this will jeopardize an otherwise tremendous redevelopment opportunity for the east end of Rosslyn.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

A handwritten signature in blue ink, appearing to read 'M. Walsh', is positioned below the firm name.

Martin D. Walsh

cc: Arlington County Board Members  
Commissioner Chris Forinash  
Commissioner Steve Cole  
Commissioner Brian Harner  
Anthony Fusarelli, Jr.



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**WALSH COLUCCI  
LUBELEY & WALSH PC**

March 28, 2014

*Via Email Only*

Arlington County Planning Commission  
2100 Clarendon Boulevard, Suite 700  
Arlington, VA 22201

Re: Realize Rosslyn Plan Framework

Dear Planning Commission Members:

On behalf of Vornado and Gould Property Company, I want to commend the hard work that County staff and the Realize Rosslyn consultants continue to do to improve the Realize Rosslyn draft framework document (the "Framework"). We also wish to thank them for meeting with us yesterday to discuss our ongoing concerns with the depiction of consolidated open space on Rosslyn Plaza on the Open Space map and the rendering of Rosslyn Plaza's eastern edge.

We are very encouraged by staff's suggested alternative approach, presented at last night's Long Range Planning Committee (LRPC) meeting, of replacing the green polygon on the Open Space map with a symbol to denote a general location for open space. A policy directive would be included listing specific goals and performance criteria for such open space.

Allowing for a variety of open spaces will enable Rosslyn Plaza to (1) create a "front door" connection to the core of Rosslyn, (2) create sustainable and vibrant retail, (3) provide a variety of passive and recreational activities that link the "front door" to the Esplanade, and (4) place buildings in a manner that maximizes views both from the Central Place Observation Deck and the core of Rosslyn. Consolidating the open space at the eastern edge of the site will not allow these goals to be fully achieved.

We do remain concerned that the illustration on page 23 portrays a misleading vision for the space. The vantage point is taken from a view that does not represent the public experience with the open space. Additionally, attached is a photo taken from the site from what we believe is a similar elevation and vantage point as the illustration (approximately 30' above the plaza level). By comparison, you can see the illustration embellishes several key components, including I-66 which is severely understated, views of the river which are not available from this elevation, and the road grid and esplanade which are not correctly represented. We envision this open space as dynamic and successfully integrated with the rest of Rosslyn, but recognize it will not have the interaction with and views of the river and neighboring skyline as implied in the illustration.

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Page 2

While we agree that the Framework should be aspirational in nature, it must also not prescribe an unrealistic vision. As one LRPC member observed at last night's meeting, comparing Freedom Park to the High Line in New York can create unrealistic expectations. We believe this cautionary note applies with equal force to Rosslyn Plaza's open space.

Thank you for your consideration of these points and we look forward to further engagement with you, staff and the County Board on this important effort.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

A handwritten signature in black ink, appearing to read "G. Evan Pritchard". The signature is stylized and somewhat cursive, with a large loop at the end.

G. Evan Pritchard

cc: Mitch Bonanno, Mike Novotny, Kingdon Gould III, Martin D. Walsh





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**WALSH COLUCCI  
LUBELEY & WALSH PC**

March 19, 2014

**Via Email**

Anthony Fusarelli  
Arlington County - CPHD  
2100 Clarendon Boulevard, Suite 700  
Arlington, VA 22201

Re: Realize Rosslyn Plan Framework

Dear Anthony:

On behalf of Vornado and Gould Property Company, I am writing to follow up some of the discussion from the Board meeting last evening since we won't get to meet with you and your team until late next week. Two specific items discussed were building height tapering policy and open space configuration at Rosslyn Plaza.

As to heights, we are encouraged by much of what we heard from the Board last night in terms of the County considering greater heights. There was also a general recognition that simply depressing building heights in some areas is a rather crude way of preserving views in Rosslyn because it results in squatty buildings that are antithetical to a nice skyline and would block views at the pedestrian level. Instead, a more nuanced approach that focuses on the importance of building form and placement while achieving a pleasing skyline is the better path forward. This approach will permit the view corridor goals for Rosslyn to be best achieved while ensuring the viability of future redevelopment with heights of 300 feet or more, consistent with all past C-O Rosslyn approvals.

As I stated in my remarks to the Board last night, our current site plan layout and park configuration for the Rosslyn Plaza PDSP, a copy of which is attached, has been carefully designed with staggered building placement to maximize views through and within the site. The attached exhibit demonstrates how such placement dramatically widens the view corridor between the core of Rosslyn and the Monumental core to the south and east. By contrast, a consolidated park on Arlington Ridge, as shown in the current Framework draft, would preclude this staggering and result in a much narrower view corridor.

In addition to achieving the view corridor goal, our proposed layout and park configuration creates a "front door" to Rosslyn Plaza that greets the core of Rosslyn rather than presents a sheer wall of buildings. The proposed central plaza provides over an acre of new open space with varied park spaces that are appropriately sized to support a sustainable and vibrant mix of retail while still creating opportunities for both active and passive recreational uses. They are also connected visually and can be programmed in a manner that invites users through

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Page 2

Rosslyn Plaza and encourages interplay between the Front Door on Kent and the Esplanade along Arlington Ridge. Our goal is to create "rooms" of open space that serve different functions well. By contrast, the downside of creating too large of a consolidated space is that it becomes very difficult for retail to be visible and achieve a critical mass. Retail facing such a space oriented on Arlington Ridge Road, as proposed in the Framework, would be even more challenged and the area would always feel vastly under populated – a deathbed for vibrant retail.

For all of these reasons, we believe our proposed layout and park configuration is superior to the Framework orientation and what is in the best interests of Rosslyn. As previously requested, if Staff could advise us of specific programming goals for the open space rather than simply a target size or orientation, we would be better able to determine how to collectively meet such goals. As always, we look forward to continuing to work with everyone going forward, and we appreciate the Board's consideration of our concerns with the Framework as currently drafted.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

*G. E. Pritchard*

G. Evan Pritchard

*by - msw*

Enclosure

cc: Barbara Donnellan, Robert J. Duffy, the Honorable Jay Fiset, Brian Harner, Mitch Bonanno, Mike Novotny, Kingdon Gould III, Martin D. Walsh





**CURRENT SITE PLAN**

**ROSSLYN PLAZA**  
ARLINGTON VIRGINIA

**OPTION 1: ILLUSTRATIVE PLAN**



February 5, 2014  
Scale: NTS

**REED HILDEBRAND**  
Reed Hildebrand LLC  
Landscape Architecture

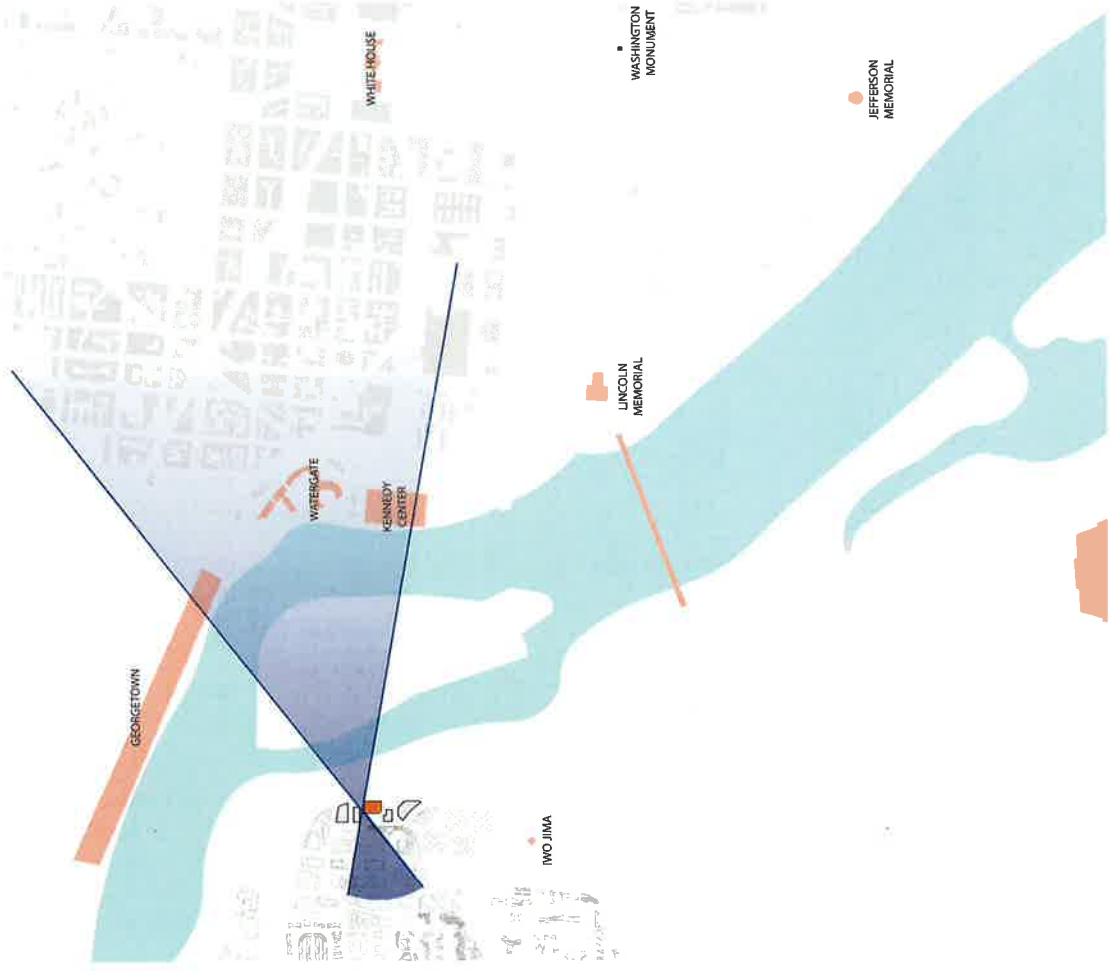


PHASE 3 SHIFTED TO KENT  
VIEW CORRIDORS BETWEEN PHASES 2 AND 3



CURRENT SITE PLAN  
VIEW CORRIDORS BETWEEN PHASES 2 AND 3

ROSSLYN PLAZA



CURRENT SITE PLAN  
VIEW CORRIDORS BETWEEN PHASES 3 AND 4

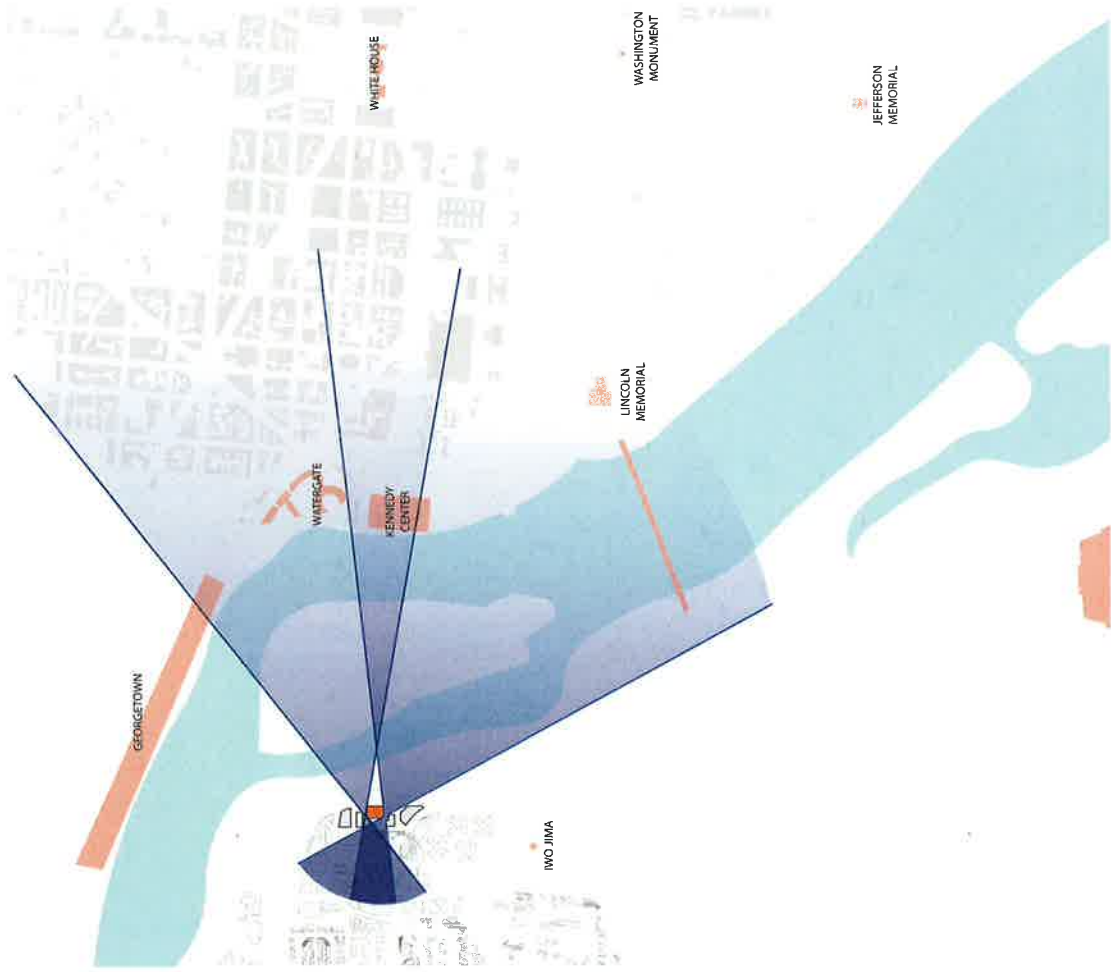
GOULD PROPERTY COMPANY | VORNADO/CHARLES E. SMITH  
ROSSLYN PLAZA, ARLINGTON, VIRGINIA



PHASE 3 SHIFTED TO KENT  
VIEW CORRIDORS BETWEEN PHASES 3 AND 4

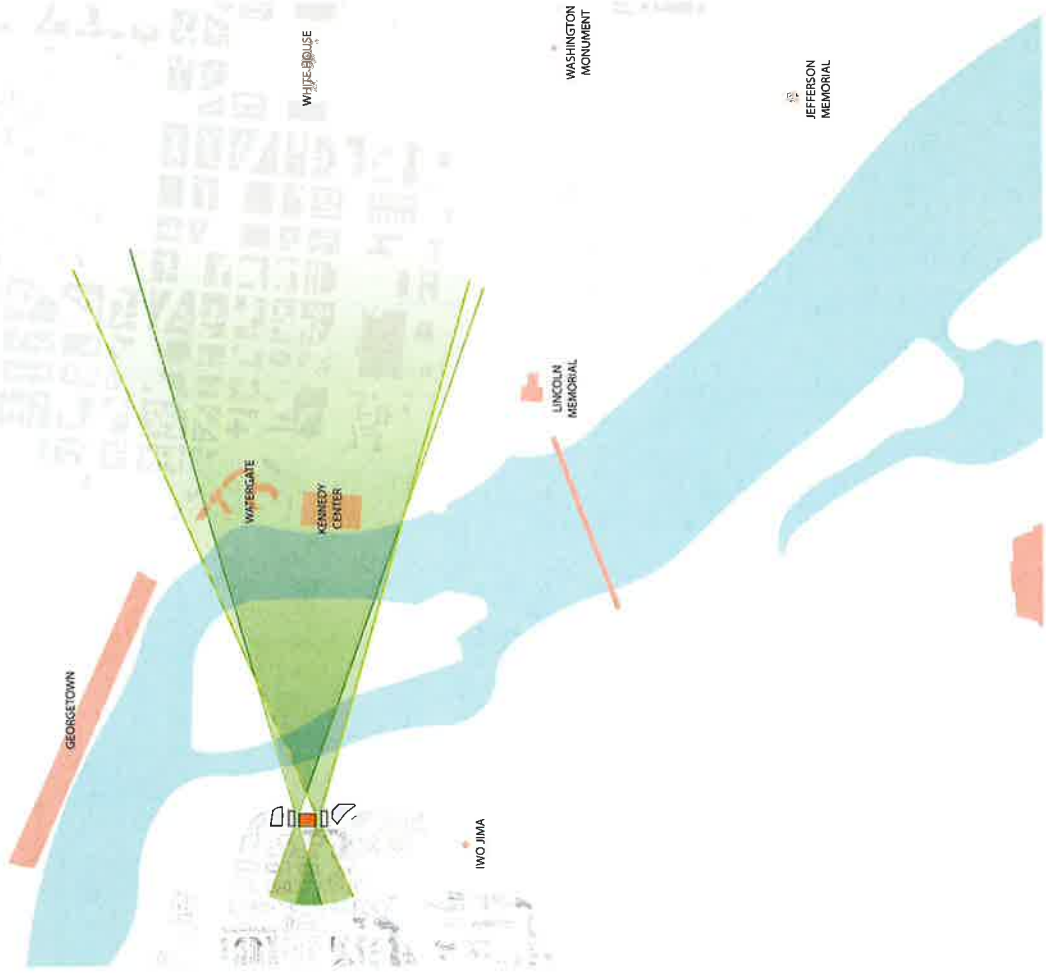
PICKARD CHILTON | REED HILDBRAND | WDG  
28 FEBRUARY 2014, PAGE 2

ROSSLYN PLAZA



CURRENT SITE PLAN  
VIEW CORRIDORS

GOULD PROPERTY COMPANY | VORNADO/CHARLES E. SMITH  
ROSSLYN PLAZA - ARLINGTON, VIRGINIA



PHASE 3 SHIFTED TO KENT  
VIEW CORRIDORS

PICKARD CHILTON | REED HILDBRAND | WDG  
28 FEBRUARY 2014 - PAGE 3





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**WALSH COLUCCI  
LUBELEY & WALSH PC**

March 14, 2014

**Via Hand Delivery**

Chairman Jay Fisetta and Board Members  
Arlington County Board  
2100 Clarendon Blvd., Suite 300  
Arlington, VA 22201

Re: Realize Rosslyn Plan Framework

Dear Chairman Fisetta and Members of the County Board:

Our firm represents Vornado/Charles E. Smith and Gould Property Company, the applicants for the pending Rosslyn Plaza Phased Development Site Plan (PDSP) application, which was accepted by the County Manager for processing in February of 2012. I am writing to express our concerns regarding the draft Rosslyn Plan Framework (the "Framework") that is currently scheduled for a Request to Advertise (RTA) hearing before the County Board on March 18, 2014.

Our primary concern with the Framework relates to the depiction of consolidated park and open spaces on the Rosslyn Plaza property adjacent to Arlington Ridge Road in Map P1 on page 31 and the illustrative drawing on page 19. We believe both of these illustrations should be removed from the Framework prior to adoption.

The park configuration shown in these illustrations greatly conflicts with the open spaces shown in our pending PDSP application, which were all thoughtfully designed to provide first class public open space, maximize view corridors from within and from adjacent properties, and support active retail uses where none exist today. Our concern is that these depictions, if adopted as part of the Framework, will greatly complicate or further halt the review of both our pending PDSP application, which we continue to discuss and refine with staff, as well as future final site plan applications under the proposed PDSP. This could have devastating consequences for the timing and even the likelihood of redevelopment. We have additional concerns with the Framework as currently drafted that are attached here for your reference.

We applaud the efforts of the Process Panel to date, however, we regret that up to now neither our applicant team nor the Rosslyn Plaza owners have been permitted to directly engage in the Process Panel's discussions. We have attended all of the "public" Process Panel meetings and workshops, the last of which was held on December 11, 2013. Unfortunately, we were specifically denied our request to attend the several "private" Process Panel meetings held in January and February which resulted in the latest draft Framework. The issues of our concern were not part of the Framework until this latest draft.

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Since the last public Process Panel meeting in December, the Framework was expanded from six (6) pages to forty-two (42) pages. Upon receiving this draft, we immediately communicated our Framework concerns to staff. On February 27, 2014, we provided our written comments on the Framework to County staff and members of the Planning Commission's Long Range Planning Committee (LRPC), including Process Panel Chair Brian Harner, for the LRPC meeting that evening. Our comments were not noted, discussed, or in any way addressed at the LRPC meeting, Planning Commission meeting on the RTA for this matter held on March 5, or in the Planning Commission's letter to the Board dated March 7.

We also met with staff on February 28, 2014, to discuss our concerns regarding the process and lack of opportunity for input prior to the various RTA hearings for the Framework. We are quite frankly dismayed that our comments were not included in Staff's comment matrix for discussion at Planning Commission after we were given assurances that they would be addressed along with our process concerns.

We look forward to continuing to work with County staff and the Process Panel going forward, and we appreciate the Board's consideration of our concerns with the Framework as currently drafted.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



G. Evan Pritchard

Enclosure

cc: Planning Commission Members, Barbara Donnellan, Robert J. Duffy, Anthony Fusarelli, Mitch Bonanno, Mike Novotny, Kingdon Gould III, Martin D. Walsh

Vornado/Charles E. Smith/Gould Property Company

Comments on Draft Framework 2-24-2014

General:

The document does not address economic development, financial feasibility, nor the underlying principles of CO-Rosslyn to encourage and incentivize redevelopment through increased height and density, with resulting community benefits. This should be included with a description of how this framework either supports or intends to amend those underlying principles. Lower heights and increasing view corridors will likely compromise the economic goals established for CO-Rosslyn. An economic analysis should be performed for consideration prior to adoption.

The current tapering principles of CO-Rosslyn are to taper from the metro towards the single family neighborhoods, not simply taper in a cylindrical cone manner as the document implies. This should be clarified as also evidenced by several CO-Rosslyn approved redevelopment projects.

As in all similar scale/scope planning endeavors, there needs to be up-front language about allowing flexibility to deviate from the described vision in consideration of actual circumstances, market conditions, and existing conditions that cannot possibly be known or fleshed through in a planning process.

The designation of Arlington Ridge Road as "River Edge" is misleading. The river is not visible from either Arlington Ridge Road or Kent Street elevations. This also needs to be clarified in Plan Foundation opportunity number 1 in regards to programming "public spaces at Rosslyn's edges to embrace the Potomac River landscape". This implies views that do not exist from ground level "River Edge" designated areas.

The Policy Directives and accompanying maps seem final. What is the economic, FAR, and height impact on future CO-Rosslyn developments?

By Page:

PP. 6-7 – Plan Foundation number 7 seems extremely specific and financially infeasible to single out Rosslyn Plaza as the sole area for increased variety of building height, form and architecture in all of Rosslyn. If the intent is merely to identify Rosslyn Plaza as one example of a site where this could occur, then that should be more clearly stated in the text and on Map 2.

P. 11 - 18th Street as well as many of the other perspective drawings seem very detailed and prescriptive for this level of planning. They should be noted as illustrative only.

P. 15 – "New skywalks" are referenced. Do we really want to create new ones at a time when they are being removed elsewhere? We recommend removing this reference.

P. 19 – Shows an infeasible configuration for Rosslyn Plaza and goes so far as to point to specific buildings for use as "premier housing, workplace and hotel..." and upper level public viewpoints. This needs to be removed so as to not inappropriately influence a PDSP currently under review. Also the graphic implies views of the Potomac when such views do not exist from that "Esplanade" level.



PP. 13, 32, 39 - View corridor – The term “public views” needs to be clarified. Historically, it has been County policy to not protect private views from buildings. Such policy has been demonstrated time and time again with the approval of CO-Rosslyn redevelopment projects. Again, what is the trade-off of proposed view corridors to future economic development and ensuing community benefits potential?

P. 29 - Several aspects of the T5-Bike Facility Map conflict with the pending PDSP:

- Wilson Blvd calls for a Cycle Track.
- Arlington Ridge road calls for a dedicated Off-Street Trail.
- 18th Street calls for a dedicated Off-Street Trail between Kent Street and Arlington Ridge Road.
- Kent Street calls for a dedicated Off-Street Trail. If this is intended to refer only to Freedom Park, that point should be clarified.

P. 31 – The configuration and size of the open space identified at Rosslyn Plaza is not realistic from a financial feasibility perspective.

P. 35 – The retail locations and recommendations seem extremely detailed and prescriptive. Has any retail study been performed which supports these recommendations?



May 11, 2015

Mr. Brian Harner  
Arlington County Planning Commission  
2100 Clarendon Blvd., Suite 700  
Arlington, VA 22201

Re: Rosslyn Sector Plan, 1400 Wilson Boulevard

Dear Commissioner Harner:

Pacolet Milliken Enterprises, Inc. is the majority owner of the office building located at 1400 Wilson Boulevard. Over the last year or so we have worked closely with our development advisor, Hines Interests LP, in following the County process of updating the Rosslyn Sector Plan. I write to commend your work as Chair of the Process Panel overseeing this update and to offer our perspective as a commercial property owner and stakeholder in Rosslyn's future.

It is my understanding that the County is currently formulating draft language for this Plan update that includes specific height recommendations for individual properties in Rosslyn. For our property, the recommended maximum height is 260 feet (excluding mechanical penthouse). County staff has estimated that at this height, a floor to area ratio (FAR) of 9.0 could be achieved. However, this analysis was premised on a new office building being constructed, which of course comes with a specific set of assumptions such as floor size and core-to-glass depth that greatly impact the footprint and massing of a new building.

We have met with staff to explain our vision for the property, which may include replacing the existing office building with a new Class A high-rise tower. While this new tower could be an office use, we believe there is also great potential for a mixed use residential tower that might include a hotel use. As you are likely aware, the existing office building was constructed in 1966 and does not have a compelling street presence, nor does it create a very welcoming environment for pedestrians. As shown in the pictures below, loading and trash services are currently located on Wilson Boulevard, and parking access is provided on 17<sup>th</sup> Street North. No sidewalk is provided on 17<sup>th</sup> Street North.



To help us create a new vision for 1400 Wilson, we engaged the award-winning architectural firm of Pei Cobb Freed & Partners (PCF), whose local projects include the United States Air Force Memorial in Arlington as well as Potomac Tower and Waterview in Rosslyn. As shown on the attached drawings, PCF has conceptualized an elegant and sophisticated urban design language capable of accommodating a single or mixed use building, with a vastly improved ground plane experience oriented to the pedestrian and an elegant tower structure above. Such a building could also help achieve a major goal of the Rosslyn Sector Plan -- to correct the historic imbalance between residential and office uses in Rosslyn. However, achieving an economically viable density with the slender profile and marketable floor plates required for such a building will be difficult, if not impossible, if the height is limited to only 260 feet. The unintended consequence of this height reduction is that we are much more likely to keep the existing building in place.

Staff has been responsive and sympathetic to these issues and attempted to add some flexibility to the Sector Plan recommendations in terms of allowing additional height in certain circumstances. However, I ask that the Process Panel work further with staff going forward to ensure that any restrictions imposed by the Sector Plan do not create unnecessary roadblocks for successful redevelopment. In our view, this can only be achieved by making the desired goals for new development clear and avoiding the overuse of prescriptive recommendations on critical design elements such as height.

Again, thank you for all of your team's hard work on the Rosslyn Sector Plan process to date and for considering the points raised above. Please do not hesitate to contact me if you have any questions or if we can assist in this effort.

Very truly yours,



Richard C. Weibel  
President, Pacolet Milliken Enterprises

cc: Bob Duffy, Arlington County  
Anthony Fusarelli, Arlington County  
Chuck Watters, Hines  
Daniel J. Moore, Hines  
Martin D. Walsh, Walsh Colucci  
G. Evan Pritchard, Walsh Colucci

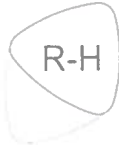
**Attachment**  
**Preliminary Design Concepts for Redevelopment of 1400 Wilson Blvd**



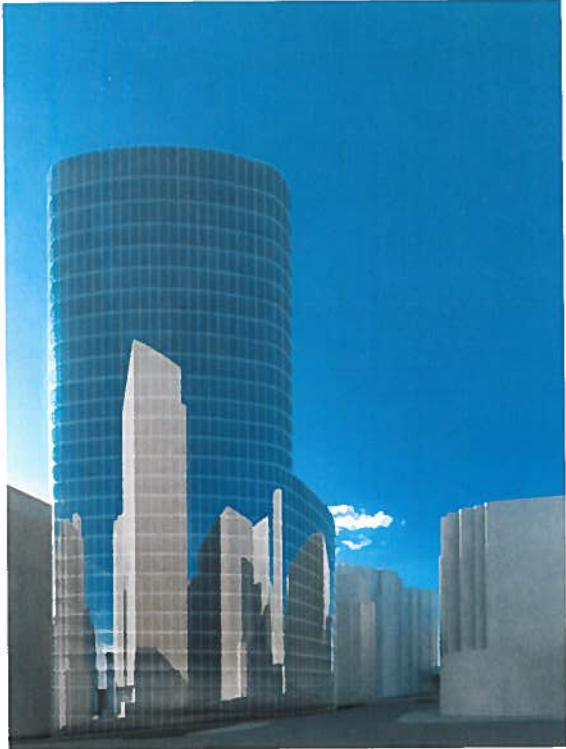
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3



1400 Wilson Blvd.



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May 20, 2015

Arlington County Board  
2100 Clarendon Boulevard, Suite 300  
Arlington, VA 22201

**RE: Rosslyn Sector Plan Addendum**

Dear Board Member:

This firm represents the owner of 1901 North Moore Street, known as the RCA Building. The current version of the Rosslyn Sector Plan Update (the “Plan”) recommends redeveloped building heights for this site at a maximum of 260 feet, a reduction from the maximum of 300 feet permitted currently through the CO-Rosslyn zoning district.

The Plan recommends reduced maximum heights on several sites through the “peaks and valleys” policy, purportedly to “advance achievement of many goals” in the Plan and improve all of Rosslyn. While the supposed benefit of these reduced maximum heights will accrue to Rosslyn and the community as a whole, the severe impacts of these reductions burden only a few property owners. Although heights up to 300 feet are discretionary and must be “earned” in any event, the **opportunity** for these properties to earn such heights has been lost on certain sites, greatly reducing flexibility in building design and hampering redevelopment possibilities.

**Options for Additional Height**

The latest version of the Plan does include some criteria by which these properties can achieve 300 feet in height. A copy of the current Plan section is attached hereto as Exhibit A. Although the concept of permitting additional heights on these sites is laudable, the structure included in the current version of the Plan is not sufficient to make attaining such heights reasonable.

Accordingly, we make the following recommendations for properties with height recommendations of less than 300 feet under the Plan:

1. **Focus on the primary height criteria** – In the Framework Plan, the majority of the discussion about heights focuses on (a) views from the Observation Deck and (b) the creation of a varied and interesting skyline through sculpting and innovative building design. This has been echoed in most of the public discourse as well. These are the height principles that most directly affect the experience of Rosslyn’s skyline, and advancing these principles should be paramount – if additional height will be used for innovative building design and will not block Observation Deck views, heights up to 300 feet should be permitted.



2. **Remove redundant references to advancing Plan goals** – Reductions in potential building heights should only occur when it is shown that a reduction in height demonstrably advances Plan goals. Unfortunately, the Plan as currently drafted places the burden of this showing on the owners of property chosen as valleys. Those owners of sites selected for “valleys” are effectively and somewhat arbitrarily held to a stricter standard with respect to planning and design than all others. We believe that any special exception site plan proposed in CO-Rosslyn should be evaluated to determine whether the goals of the Plan are advanced, regardless of the recommended height. Specifically providing that Plan goals must be advanced for buildings in “valleys” to achieve 300 feet, which as currently drafted is a unique burden, should be the standard for all special exception site plans that are considered.
3. **Provide assurances of height flexibility** – The current Plan provides that an owner “may seek modifications” to reach a height of 300 feet if all criteria are met. This does not provide any clarity to a potential developer, because even if all criteria are satisfied, the approving authorities could choose to follow the reduced height recommendation in the Plan. As stated, all buildings seeking a height of 300 feet in the CO-Rosslyn zone, regardless of height recommendation in the Plan, are subject to discretionary approval. As such, the section related to allowing heights at 300 feet in “valleys” should provide that, if all criteria are met, the building will be treated as though the maximum height were 300 feet and evaluated in exactly the same fashion as other buildings in the CO-Rosslyn zone. This will include an identical discretionary height review, but will not “handicap” a proposal that has met the additional criteria set forth in the Plan.
4. **Remove subjective criteria** – Ambiguous descriptors like “variety”, “nearby”, “ample”, and “good” should be removed. If developers are not certain about exactly what objective criteria are necessary for the opportunity to attain heights up to 300 feet, there will never be an incentive to undertake design of a building meeting these criteria.
5. **Residential/Hotel use should not be required for those areas above the recommended height** – Use proscription for heights above those recommended by the Plan will only serve to further reduce the ability to respond to market conditions and will disincentivize development.

Based on these principles, we propose that the criteria for attaining 300-foot heights in designated “valleys” be revised. Attached hereto as Exhibit B is a proposed revision to the criteria.

We appreciate your time and consideration of these requests.

Sincerely,



Kedrick N. Whitmore

**EXHIBIT A**

## Building height

### INTENT

*Through a “Peaks and Valleys” approach, protect priority views from the Central Place public observation deck, maintain as many good views as possible from all buildings, support an appealing environment at ground level, and create an attractive, distinctive skyline with varied building heights. Heights should also ensure a sensitive transition to surrounding neighborhood areas.*

Overall Building Height:

The heights plan for Rosslyn is designed to advance achievement of many goals in the plan. Building height should generally be limited according to the heights indicated on Map 3.16. Sites with multiple towers should vary tower height as indicated below. In addition to overall height limits, some areas include building step backs for a depth of 15 feet from back of sidewalk.

Maximum height is measured from average site elevation to the main roof, as defined in the Zoning Ordinance. As permitted by zoning, penthouse structures may rise an additional 23 feet.

Building Height Flexibility:

The building heights plan is a culmination of extensive and iterative form and massing studies that took into consideration potential outcomes related to elements such as use, density, marketable floor plates and surrounding context. The heights plan derived from these studies reflects an optimal approach to achieving the Peaks and Valleys building heights approach set forth in this plan. The plan recognizes there may be opportunities for creative solutions to further advance the vision by considering additional height on sites planned less than 300 feet. Flexibility is not proposed beyond 300 feet to ensure adequate overall variation in building heights sought through the Peaks and Valleys approach. Therefore, for single-tower Site Plans or Phased-Development Site Plans (PDSPs) with height limits of less than 300 feet as depicted on Map 3.16, applicants may seek modifications to building height that could be approved by the County Board. In such cases:

- Requested modification for total building height may not exceed 300 feet;
- Occupied space at or above the maximum height depicted in Map 3.16 is devoted to housing/hotel only;
- Modifications may not be sought to increase FAR above 10.0; and
- The appropriateness of the requested modification to building height will be reviewed on a case-by-case basis, and should be approved only when the following criteria are clearly met by the proposed site plan:
  - > Priority view corridors from the Central Place public observation deck are retained;
  - > Sensitive edge transitions are achieved on sites where the RCRD borders areas of lower scale residential development;
  - > Variety of building heights across nearby sites is reinforced, and the design of individual buildings includes significant sculpting;
  - > Good view opportunities from the tops of nearby buildings are not significantly reduced;
  - > Ample daylight access to the subject and surrounding sites, including public open spaces, is maintained; and
  - > Development proposals receive pertinent determinations of no hazard from the Federal Aviation Administration.

Variety Among Multiple towers:

- Where a Site Plan or PDSP includes multiple towers, the height of each one should differ from the height of all other towers on the site by at least 40 feet; except that in cases where four or more towers are present, no more than three towers need to conform to this guideline.

### KEY RELATED POLICIES

**B1** | Develop a new building heights policy and regulatory framework for Central Rosslyn that incorporates varied building heights across the district and advances the plan principles more effectively than the current general taper policy

**B1.b** | Manage building heights to maximize all view corridors from the observation deck with special attention to protect and enhance high-priority public observation deck view corridors (as depicted in Map XX, Priority Observation Deck View Corridors), promote good views from, and daylight access to, private buildings, and still achieve appropriate and sensitive transitions between the RCRD and surrounding areas.

**EXHIBIT B**

## Building Height Flexibility:

The building heights plan is a culmination of extensive and iterative form and massing studies that took into consideration potential outcomes related to elements such as use, density, marketable floor plates and surrounding context. The heights plan derived from these studies reflects an optimal approach to achieving the Peaks and Valleys building heights approach set forth in this plan. The plan recognizes there may be opportunities for creative solutions to further advance the vision by considering additional height on sites planned less than 300 feet.

Flexibility is not proposed beyond 300 feet to ensure adequate overall variation in building heights sought through the Peaks and Valleys approach. Therefore, for single-tower Site Plans or Phased-Development Site Plans (PDSPs) with height limits of less than 300 feet as depicted on Map 3.16, applicants may seek modifications to building height that could be approved by the County if applicants make a showing that the below criteria are met, the proposed building shall be considered subject to a maximum of 300 feet:

- Requested total building height may not exceed 300 feet.
- ~~Occupied space at or above the maximum height depicted in Map 3.16 is devoted to housing/hotel only.~~
- Modifications may not be sought to increase FAR above 10.0.
- ~~The appropriateness of the proposal requested modification to building height will be reviewed on a case by case basis, and should be approved only when the following criteria are clearly met by the proposed plan:~~
- Priority view corridors from the Central Place observation deck are retained.
- Sensitive edge transitions are achieved on sites where the RCRD borders areas of lower scale residential development.
- ~~Variety of building heights across nearby sites is reinforced, and the design of individual buildings includes significant sculpting.~~
- The additional height is used to create a building that contributes to a distinctive and dynamic skyline, such as through sculpting or other unique building design.
- ~~Good view View opportunities from the tops of adjacent nearby buildings are not materially significantly reduced.~~
- ~~Ample daylight access to the subject and surrounding sites, including public open spaces, is maintained.~~
- Development proposals receive pertinent determinations of no hazard from the Federal Aviation Administration.



May 21, 2015

Mary Hughes Hynes, Chair  
Arlington County Board  
2100 Clarendon Boulevard, Suite 300  
Arlington, Virginia 22201

**Re: Rosslyn Sector Plan, May 6, 2015 Draft**

Dear Chair Hynes,

On behalf of Monday Properties, I wanted to take the opportunity to comment on the Rosslyn Sector Plan, May 6, 2015 Draft (the "Draft Sector Plan" or "Plan"). For reference purposes, I have attached the pages of the Plan that are cited and discussed in this letter.

By way of background, Monday Properties owns approximately 3 million square feet of office and residential interests in Rosslyn (including the land on which River Place is located), making it the largest stakeholder in Rosslyn in terms of real estate ownership and, thus, the property owner most affected by the Draft Sector Plan.

Although I will attempt to be brief, it is difficult to synthesize a 185-page document into a six-page letter. Interestingly, the Draft Sector Plan uses the term "form-based guideline" and therein lays the primary flaw in the Plan. It is a combination of prescriptive requirements much like a form-based code in the Zoning Ordinance, and at the same time, attempts to introduce language to suggest that the Plan is flexible and conceptual. The result is two-fold: first, the lines are blurred between what is required and what is flexible; and second, the list of requirements is daunting and, in combination, is often conflicting and will most certainly stifle redevelopment in Rosslyn.

As the basis for the Draft Sector Plan was a very detailed 3D modeling approach, it should not come as a surprise that the final product, by merely eliminating the modeling diagrams from the text, did not eliminate the underlying lack of flexibility and flaws in the modeling approach. These flaws were identified in carefully considered remodeling analyses performed by a number of landowners, and the issues were clearly conveyed to the County Staff and the County Board. The result of our input was a Draft Sector Plan that succeeded in removing the pictures, but did not succeed in removing the underlying issues identified by property owners and developers with the modeling approach.

So, let us quickly review what is left in the Plan after removing the 3D modeling pictures. Here are some of the new rules for redevelopment in Rosslyn:

- **Building Height (P. 162-163):** The Plan states that building heights shall “generally” be limited by the building heights map. Additionally, the building heights map shows required 15’ building setbacks for multiple development sites throughout Rosslyn. The Plan notes that, for single-tower sites, if the stated height limit is less than 300 ft., an Applicant may seek a modification for a building height up to 300’, provided that all space above the height limit is dedicated for residential/hotel use and provided that the FAR of the building does not exceed 10.0 FAR. For multiple-building sites, the Plan states that the towers should differ in height by at least 40 feet.

*Despite the language contained in the Plan that building heights shall “generally” conform to those shown in the building heights map, the reality is that the map is very prescriptive. The map establishes a maximum height for each site in Rosslyn, and there is nothing flexible or general about the limitations shown in the map.*

*It is also important to consider that the maximum building heights stated in the building heights map may not be achievable in many cases (particularly in multi-building sites), due to the application of other rules stated in the Plan. For example, the Plan requires a 40-foot vertical height differential and a 60-foot horizontal separation between the two buildings. Combined with the required alley and parking/loading access points and required build-to lines, these restrictions make it highly unlikely that the heights stated in the map can actually be achieved for many properties. Additionally, while the Plan provides the opportunity for some sites to exceed the limitations shown on the building heights map (up to a maximum of 300 ft.), that added density has to be residential or hotel density. I think it is fair to say that it is not likely that an office building will be able to accommodate a few floors of residential at the top of the building. As such, it appears that only residential or hotel buildings can realize the added height.*

*On a more general level, the Plan’s approach to height regulation is based on the faulty premise that the FAA will not approve building heights in excess of 470’ above sea level in Rosslyn. While this limit has been applied to several redevelopment sites in eastern Rosslyn, the FAA has not been asked to weigh in upon potential redevelopment sites in western Rosslyn. It is possible that the FAA might approve a different height limit for buildings further away from the flight paths to National Airport. Given the importance of the Plan to the long-term success of Rosslyn, the County owes it to itself to confirm whether the 470’ limitation is truly a limitation which must be assumed throughout the entire Rosslyn area. Heights above 470’ in different parts of Rosslyn would actually contribute significantly to the Plan’s goal of creating a world-class skyline.*

- **Ground Floor Uses and Design Standards (P. 154-155):** Concurrent with the recommendations for ground-floor retail uses, the Plan establishes very specific design standards for each type of retail use.

*The ground floor design standards will create a uniform appearance and design for retail storefronts throughout Rosslyn. In the current retail market, this is precisely the wrong approach. Many retailers now insist on creative and unique storefront appearances to differentiate their businesses and to create visual interest for pedestrians on the street level. The Orvis and Cheesecake Factory locations in Clarendon are two prime examples of retailers that have employed creative architecture and design to help create a sense of character and visual appeal. Rather than establishing strict design criteria, the Plan should explore methods to promote creative and interesting storefront designs that contribute to the vitality of the street environment.*

*On a more general level, the ground-floor use recommendations and accompanying design standards do not appear to be consistent with the pending Arlington County Retail Plan. For example, the Arlington County Retail Plan depicts several street segments in Rosslyn as being “optional” retail locations, while the Draft Sector Plan recommends placement of retail or retail equivalent uses in the same locations. The Arlington community has expended a tremendous amount of time and effort participating in the development of the Arlington County Retail Plan, so it is imperative that any discrepancies between the Arlington County Retail Plan and the Draft Sector Plan be reconciled.*

- **Build-to Lines (P. 151):** The Draft Sector Plan includes a build-to lines map, which includes a note that new development must meet the proposed build-to lines on at least 2/3 of each street frontage.

*This is a very prescriptive design requirement that handcuffs architectural creativity and inhibits innovative design. A strict build-to line requirement lessens the amount of open space on the ground level, and can result in shorter, bulkier buildings where density will be aggregated at the lower portions of the buildings. This is one such design standard which, as mentioned above, may make achievement of the heights stated in the building heights map unachievable. In many ways, the build-to lines may create conditions that are contrary to the Plan’s goals with respect to creating high-quality open spaces and a varied, distinctive skyline.*

- **Tower Orientation (P. 166-167):** The Draft Sector Plan includes a graphic that specifies the tower orientation of future buildings. The associated text states that alternate orientations may be considered; however, there are other more prescriptive guidelines that appear to limit flexibility for alternative approaches. For instance, for multi-tower sites, the Plan includes requirements for the relative dimensions of the building floorplates and horizontal separation distances, and further states that at least one of the towers must be devoted to residential use.



*In addition to limiting design flexibility, the tower orientation requirements frequently conflict with other Plan requirements, such as the parking/loading service requirements. Furthermore, for some blocks with multiple existing buildings, the tower orientation guidelines would require removal of both buildings to allow redevelopment, as the existing buildings are oriented in opposite directions. This approach is obviously not feasible for many development projects that require a multi-phase approach.*

- **Density (P. 147):** The Draft Sector Plan states that new development can exceed 10.0 FAR where 1) major plan goals are advanced and/or 2) TDRs are applied, and 3) additional density is consistent within “form-based guidelines.”

*This is but one example of the Plan’s reference to a “form-based guideline,” which is a contradictory and misleading term. The Plan recommendations with respect to density must be clarified to specify exactly which standards must be satisfied in order to achieve TDRs. Additionally, it is important to note that the Plan recommendations for height and density state that a building that is planned for less than 300 feet may receive County Board approval for a height up to 300 feet, provided that the additional density is devoted to hotel/residential use and that 10.0 FAR is not exceeded. This limitation is inconsistent with the rule stated above and arbitrarily creates winning and losing sites throughout Rosslyn.*

- **Service and Parking Access (P. 157-158):** The Plan establishes specific recommendations for the location of services alleys and parking/loading access points for many sites in Rosslyn. Additionally, the Plan includes a number of strict screening and architectural requirements pertaining to above-grade parking.

*As noted above, the Plan’s requirements for service and parking access frequently conflict with the tower orientation requirements. Furthermore, the Plan’s requirements for above-grade parking cause serious obstacles for redevelopment, as they effectively prohibit above-grade parking in most cases. By way of example, the 1812 N Moore Street Site Plan located in Central Place contains 5 levels of below-grade parking and 4 levels of above-grade parking. If above-grade parking were prohibited, the building would be approximately 35 feet shorter. Over and above the height reduction is the density reduction. Because there would only be 5 levels of below-grade parking to support the density (it is not possible to dig much deeper than 5 levels), the building height and mass would lose all the density supported by the above-grade parking and would thus be reduced to a 7.06 FAR.*

- **Architectural Guidelines (P. 168-170):** The Draft Sector Plan includes specific architectural design standards for tower modulation, building caps, penthouse treatments, etc. For example, the Plan notes that tower façades should include a “hierarchy of scale”; distinctiveness from surrounding buildings; and, for facades over 180 feet, a “prominent visual break at all stories, defined by a change in plane

**at least 3 feet deep, significant change of material or color, or other visual distinction.”**

*These standards are among the most prescriptive and worrisome contained in the Plan. In combination, the architectural guidelines will limit individual architects' creativity and innovation. Much like the ground-floor storefront architectural guidelines, these principles will have the effect of creating a duller, more uniform appearance among buildings in Rosslyn. In addition, these design guidelines, while perhaps appropriate in the current real estate market, will likely become outdated as the Plan is implemented over the coming decades. I hold up the examples of the “twin towers” office buildings located at 1000 and 1100 Wilson Boulevard to illustrate the folly of these prescriptive design standards. The twin towers buildings are notable for their sleek, slender design and consistent use of high-quality and attractive façade materials. These two buildings have become landmarks in Arlington by virtue of their simplistic yet futuristic design. Future buildings in Rosslyn should be permitted to pursue various types of high-quality architectural design, rather than the relatively narrow vision advanced by the Plan.*

In closing, the Draft Sector Plan is a very prescriptive and conflicting document. The County Board's charge for the Rosslyn Sector Plan Addendum did not mandate such a rigid approach, yet Staff has chosen this path, when—in fact—a more flexible approach to the Plan may have been more successful in achieving the goals identified by the County Board. While the Draft Sector Plan attempts to introduce flexibility by removing the previous 3D modeling studies, the 3D modeling was clearly the basis for the very restrictive rules that were developed and recited above. Both the modeling and the rules derived therefrom were proven to be flawed by those landowners who took the time and effort to remodel their sites and present the results to the County. Unlike Crystal City, where the form-based approach was the basis for increasing density and height, applying the same approach in Rosslyn, which already has the increased height and density in place, results in essentially a down-planning and down-zoning of the most urban downtown Sector of the County. This is in all regards a move in the wrong direction for a County faced with serious competition from other jurisdictions.

We request that the following actions be taken to begin addressing the deficiencies in the Plan:

- The Draft Sector Plan must be reviewed by the Economic Development Commission and Arlington Economic Development, and the community as a whole must be provided with a comprehensive analysis of the effect of the Plan on economic development in Rosslyn. Full implementation of the many requirements contained in the Plan will very likely lead to a reduction in height and FAR, resulting in a negative economic impact including the loss of tax dollars and community benefit dollars.
- The development community should **immediately** be made aware of the proposed GLUP and Zoning amendments that will be forthcoming, so that we are able to truly evaluate what the new rules will be while the final stages of public review of the Draft Sector Plan are still ongoing.

- The introductory sections of the Plan should be revised to include a statement that all elements of the Plan are flexible, unless otherwise noted. In subsequent Plan text, any exceptions to this statement must be clearly identified.
- All letters submitted by the public should be disseminated to all reviewing bodies and interested parties for their consideration.

Thank you for your consideration of our comments.

Very truly yours,



Timothy H. Helmig  
Monday Properties

Enclosures

cc: J. Walter Tejada, Vice Chairman, Arlington County Board  
Jay Fiset, Board Member, Arlington County Board  
Libby Garvey, Board Member, Arlington County Board  
John E. Vihstadt, Board Member, Arlington County Board  
Barbara M. Donnellan  
Gabriela Acurio  
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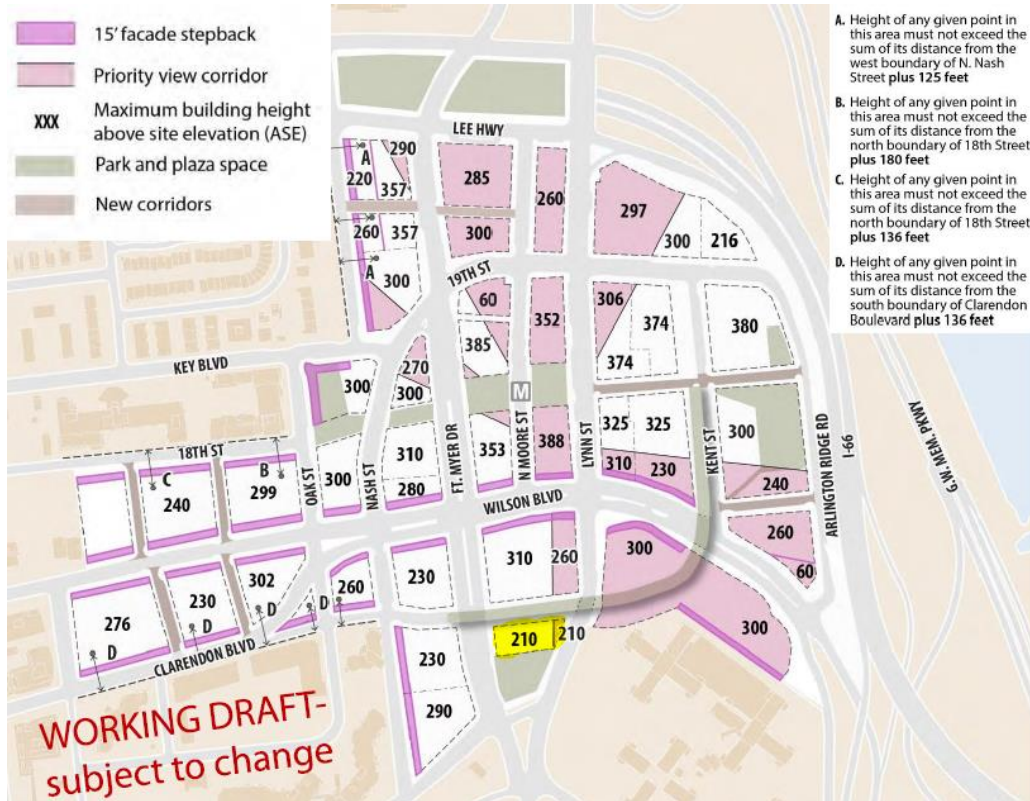
Chairman Mary Hynes  
Arlington County Board  
2100 Clarendon Boulevard, Suite 300  
Arlington, VA 22201

Re: Realize Rosslyn Sector Plan Update

Dear Chairman Hynes,

As a representative for the owner of the Park Place office building located at 1655 N. Fort Myer Drive, we are writing to express some significant concerns with the draft Rosslyn Sector Plan recommendations that will soon be coming before the County Board. These recommendations include reducing heights and densities for certain properties below what can currently be requested under the C-O Rosslyn Zoning Ordinance provisions.

For Park Place, Staff has recommended a maximum building height of only 210 feet, the lowest recommended in the Rosslyn Coordinated Redevelopment District (RCRD) and fully 90 feet below the 300 foot maximum permitted in C-O Rosslyn. The reasoning behind such a drastic reduction in height appears inconsistently applied relative to other properties since (i) the vast majority of Park Place is not located within a priority view corridor and (ii) several neighboring properties, including those located within priority view corridors, are planned for the full 300 feet or even more. Park Place is highlighted on the map shown below taken from Staff's March 4<sup>th</sup> presentation at the County Board work session.



Staff has estimated that this significant height restriction will result in an “achievable development” of 9.4 FAR, according to the building summaries provided to the Height and Massing Subcommittee of the Process Panel on December 15<sup>th</sup>. We are currently in the process of conducting our own analysis to determine whether we agree with Staff’s conclusions on the density that could be achieved under the proposed height restriction. As you know, final building design and site constraints often result in further limitations on achievable density, so we strongly suspect that the actual density that may be achieved with a height restriction of 210 feet will be far lower than 9.4 FAR.

Regardless of what the theoretical impact might be on density in the abstract, the inescapable fact is that form-based restrictions on height and density will greatly discourage the redevelopment of sites like Park Place. Therefore, although the County would like to see sites like Park Place redeveloped to better meet the needs of the County in attracting new residents and office tenants, in all likelihood we and other building owners with reduced height will be limited to just maintaining our existing assets as Class B or C buildings. As a result, aging assets like Park Place will only decline further in value.

We understand your desire to consider height restrictions particularly as it pertains to priority view corridors. However, the seemingly arbitrary application of the proposed height restriction to Park Place will unjustly serve to direct redevelopment to other properties with no additional height restrictions (whether located in priority view corridors or otherwise). This is an outcome that neither we nor the County should allow.

It is our objective to at some time in the future redevelop Park Place with a new, Class A building that is better able to attract top office tenants or residents and provide the types of amenities that activate the surrounding streets.

We request that you consider our concerns as you review the draft text for the Rosslyn Sector Plan. We further ask that you work with the Planning Commission and Staff to revisit the height recommendations or, at the very least, craft language that provides flexibility for future site plan applicants to maximize height and density where they can demonstrate that priority views will not be negatively impacted.

Thank you for your careful consideration of these thoughts. If you have any questions, or if I can provide any additional information to help inform the Rosslyn Sector Plan deliberations, please do not hesitate to contact me. We would be happy to meet with you to further discuss our position.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Chod". The signature is written in a cursive style.

Jeffrey Chod

cc: County Board Members, Barbara Donnellan, Gabriela Acurio, Steve Cover, Bob Duffy, Tom Miller, Anthony Fusarelli, Victor Hoskins, Nan E. Walsh, G. Evan Pritchard, Paul DeMartini, Tony Womack, Rustom Cowasjee, Brad Heming